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**VIA ECF**

Honorable John G. Koeltl  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

The case is stayed until July 31, 2020. The joint pretrial order, requests to charge, and voir dire requests are due July 31, 2020. Responses and objections are due August 14, 2020. The final pretrial conference is scheduled for September 10, 2020 at 4:30 P.M. The parties shall be ready for trial on 72 hours' notice on September 17, 2020.

SO ORDERED.

New York, NY  
April 27, 2020

/s/ John G. Koeltl  
John G. Koeltl  
U.S.D.J.

Re: Dr. Rachel Wellner v. City of New York et al., 16-CV-7032 (JGK) (JLC)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and one of the attorneys representing defendants in the above-referenced matter. Defendants write on behalf of both parties to respectfully request that all pre-trial submission deadlines and the July 15, 2020 final pre-trial conference be adjourned *sine die* in light of the ongoing efforts in response to the COVID-19 pandemic such as the indefinite suspension of jury trials. While an extension of time to file pre-trial submissions was previously granted, this is the first request of its kind.

By way of background, on March 20, 2020, the parties requested a 30 day enlargement of time for pre-trial submission deadlines from April 6, 2020 to May 6, 2020. (ECF No. 242.) The request was made because counsel for both parties were transitioning to working remotely in order to comply with social distancing and workforce limitation requirements and guidelines. (*Id.*) On March 22, 2020, the Court granted the parties' request. (ECF No. 243.) Currently, the JPTO, motions *in limine*, *voir dire* questions, and jury charges are due May 6, 2020; oppositions to motions *in limine* are due May 20, 2020; the final pre-trial conference is scheduled for July 15, 2020; and a trial is scheduled to commence on July 20, 2020. (ECF No. 241, 243.)

As the Court is aware, since March 20, 2020, responses to the COVID-19 pandemic have rapidly and unexpectedly evolved. Since then, President Trump has approved a Major Disaster Declaration for New York and Governor Cuomo issued Orders mandating the closure of non-essential business, restricting the movement of persons and attempting to impose, to the greatest extent possible, work-from-home on all employers ("NY Pause"). On April 16, 2020, NY Pause was again extended until May 15, 2020. The United States District Court for the Southern District of New York ("Southern District") has also taken various measures including

limiting access to courthouses, designating courtrooms for in person appearances, and suspending other regular court activities including jury trials. Most recently, on April 20, 2020, the Southern District issued Standing Order 20-MC-197 further suspending all jury trials until further notice. It is now uncertain when social distancing requirements, work-from-home requirements, and the moratorium on jury trials will be lifted.

In light of the foregoing developments, an adjournment would conserve judicial resources and the resources of counsel for both parties. Accordingly, the parties respectfully request that the pre-trial submission deadlines and July 15, 2020 conference be adjourned *sine die*.

The parties thank the Court for its consideration of this request.

Respectfully submitted,

/s/ W. KeAupuni Akina

W. KeAupuni Akina  
*Senior Counsel*

cc: All counsel of record (via ECF)